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Letter dated 14 December 2001 from the President of the Governing Council of the United Nations Compensation Commission addressed to the President of the Security Council

The Governing Council of the United Nations Compensation Commission has concluded its forty-second session, which was held at Geneva from 11 to 13 December 2001. Representatives of Kuwait, Iraq, the Sudan, Turkey and Palestine addressed the Council during its opening plenary meeting. The statements of the delegations are being sent with the original of this letter.

During the session the Council considered four reports and recommendations made by the Panels of Commissioners in the D, E2 and E3 categories of claims. The reports on category D claims are concerned with the review of individual claims for damages above US$ 100,000, the report on category E2 claims is concerned with the review of claims filed on behalf of corporations and other business entities not incorporated in Kuwait, and the report on category E3 claims is concerned with the review of non-Kuwaiti construction and engineering claims. The tables provide details of the amounts of compensation claimed in the reports and the amounts awarded by the Governing Council.

The Governing Council considered the report of the Executive Secretary: summary of activities, covering the period from 1 August to 31 October 2001. The report covers the processing of claims, the withdrawal of claims and the payment of approved claims and also includes the 2001 progress report on the Compensation Commission's work programme (1997-2003).

The Council discussed several issues relating to the processing and payment of claims, including the sixteenth report of the Executive Secretary pursuant to article 41 of the Provisional Rules for Claims Procedure, and approved corrections to certain category A and category C claims. The Council also considered the establishment of a final date for considering requests for article 41 corrections to category A and category C claims. The Council decided, in the light of the fact that the Commission is approaching the end of its work programme and the need for such requests to be received in sufficient time to allow the secretariat to consider them, that the final date for the receipt of such requests will be 31 December 2002, and that requests received after that date will not be considered. The Council requested Governments to inform their claimants of this deadline.

The Council also considered previously made requests from a number of Governments concerning the filing and processing of claims. With regard to the request of the Government of Lebanon concerning the late filing of 16 individual

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claims in category A, the Council requested the secretariat to obtain further specific information from the claimants, after which time the Council will readdress this issue. With regard to the request of the Government of Sri Lanka concerning the reconsideration of over 4,000 individual claims in category A that were previously rejected for lack of sufficient evidence, the Council was unable to reach a consensus to allow the request, but stated that this does not preclude the possibility that the Council may further consider the request at a future date. With regard to the request of the Government of the Sudan concerning adjustments to the amount of compensation awarded to certain category A claimants, the Council requested the secretariat to obtain, through the relevant claimant Governments and international organizations, precise information as to the number of category A claimants who requested on their claim form, and were entitled to receive, the higher compensation amount but were awarded the lower amount of compensation. As Governments and international organizations provide the requested paper claim forms the secretariat will report on such submissions to the Governing Council by means of the next report pursuant to article 41.

In the light of the increasing number of requests being made to the Council by Governments concerning various issues related to claims, the Council decided that, where it is unable to dispose of the issues raised in the requests in a satisfactory manner, having regard to the existing rules, the Council may, where appropriate, defer further consideration of such requests until an appropriate time before the end of the claims review process.

The Council considered the request of the Permanent Observer Mission of Palestine to the United Nations Office at Geneva concerning the late filing of a number of Palestinian claims. The Governing Council, being concerned that the individuals wishing to file claims possibly did not have the opportunity to do so within the relevant filing deadline, requested that the claims be registered with the Commission and put before the category D Panels of Commissioners. The Commissioners will review the claims if they determine in each case that the claimants did not have a full and effective opportunity to file the claim within the filing deadline, taking into account the particular circumstances of these claimants, and therefore qualify for late filing under the Commission's established criteria. The Council also gave the Palestinian Authority the opportunity to submit claims, by 1 July 2002, on behalf of other individuals who were similarly affected and unable to file claims within the filing deadline.

The Council discussed the intervention made by the Government of Turkey at the opening plenary meeting concerning the procedure for commencing the determination of rates of interest on awards of compensation, and referred this issue to a future informal meeting of the Working Group.

The Council also had a brief discussion of the request of the Executive Secretary for guidance regarding the note verbale received from the Permanent Mission of Iraq, dated 4 December 2001, concerning the implementation of Governing Council decision 124 on the provision of technical assistance to Iraq with respect to claims for environmental damage filed with the Commission. The Governing Council decided that the views expressed by the delegations during the course of that brief discussion, as well as fuller views that may be expressed subsequently by individual delegations, will be conveyed to the Executive Secretary.

The Council considered and took note of the report of the Executive Secretary on the distribution of payments and transparency, and the return of undistributed funds, and requested the secretariat to continue to inform the Council of the reports of Governments and international organizations on the distribution of payments and the return of undistributed funds.

The Council also received the report of the Committee on Administrative Matters on its twelfth meeting, at which the Committee considered and approved, with some amendments, the proposed budget for the biennium 2002-2003 in the amount of $82,209,800.

Finally, the Governing Council decided to hold its forty-third session from 12 to 14 March 2002.

(*Signed*) Sverre Bergh **Johansen**
President of the Governing Council

Annex I

Summary of recommendations

A. Report and recommendations made by the D2 Panel of Commissioners concerning part two of the eighth instalment of individual claims for damages above $100,000 (category D claims) (S/AC.26/2001/25)

Country or international organization	*Number of claims recommended for payment*	*Number of claims not recommended for payment*	*Amount of compensation claimed (US$)*	*Amount of compensation recommended (US$)*
Canada	-	1	141 787.25	nil
Egypt	2	1	1 832 223.34	87 365.48
France	-	2	1 719 395.61	nil
India	9	6	19 027 543.43	374 120.74
Israel	3	5	3 031 008.00	137 340.72
Jordan	2	-	2 804 349.78	399 302.00
Kuwait	92	2	42 687 755.59	29 016 844.38
Lebanon	2	-	346 421.00	202 249.00
Pakistan	25	4	6 344 134.93	1 631 207.79
Spain	-	1	1 852 175.00	nil
Syrian Arab Republic	1	-	188 927.34	66 326.56
United Kingdom	5	4	2 887 371.32	183 371.22
United States	12	5	2 317 642.53	472 602.69
Yemen	2	-	3 814 533.00	144 432.00
UNHCR Canada	1	-	118 601.55	29 944.05
Total	**156**	**31**	**89 113 869.66**	**32 745 106.63**

B. Report and recommendations made by the D1 Panel of Commissioners concerning part two of the ninth instalment of individual claims for damages above $100,000 (category D claims) (S/AC.26/2001/26)

Country or international organization	*Number of claims recommended for payment*	*Number of claims not recommended for payment*	*Amount of compensation claimed (US$)*	*Amount of compensation recommended (US$)*
Australia	2	-	530 349.82	111 818.49
Canada	2	1	582 920.00	132 142.80
France	1	1	1 590 109.04	14 459.52
India	11	9	3 986 953.69	308 912.61
Ireland	2	-	436 683.67	132 322.42
Israel	1	-	1 250 000.00	379 464.81
Jordan	42	16	27 021 929.20	4 016 752.18
Kuwait	108	7	52 481 306.41	35 653 364.49
Pakistan	5	-	1 216 814.67	285 941.42
Sudan	7	-	3 405 391.30	483 301.97
Sweden	1	2	1 119 657.81	30 000.00
Syrian Arab Republic	7	6	2 123 665.62	621 027.36
United Kingdom	7	7	1 900 025.02	534 935.46
United States	1	2	796 622.36	75 772.50
Yemen	1	-	362 768.17	61 721.68
UNDP Washington	1	-	188 317.00	25 898.00
UNHCR Canada	-	2	6 075 000.00	nil
UNRWA Gaza	3	-	523 889.27	125 588.84
Total	**202**	**53**	**105 592 403.05**	**42 993.424.55**

C. Report and recommendations made by the Panel of Commissioners concerning the ninth instalment of E2 claims (S/AC.26/2001/27)

Country or submitting entity	*Number of claims recommended for payment*	*Number of claims not recommended for payment*	*Amount of compensation claimed (US$)*	*Amount of compensation recommended (US$)*
Australia	1	-	69 356	16 901
Bangladesh	1	-	9 512 034	1 349 396
Belgium	-	2	1 013 801	nil
Cyprus	1	-	640 500	124 445
Egypt	2	1	12 536 131	74 021
France	6	2	15 002 180	1 643 780
Germany	2	2	1 032 890	717 373
Greece	1	10	3 942 817	19 530
India	2	1	262 645	17 931
Ireland	2	-	31 384 845	10 915 327
Israel	-	1	271 930	nil
Italy	4	1	6 632 697	588 049
Japan	-	1	262 565	nil
Jordan	3	2	375 972 998	1 471 590
Netherlands	1	1	5 972 395	346 616
Panama	1	-	193 476	134 875
Philippines	1	-	792 278 680	8 703 733
Poland	3	-	1 849 018	422 483
Saudi Arabia	12	4	26 476 595	2 973 732
Singapore	-	2	525 269	nil
Turkey	4	2	12 889 449	239 672
United Arab Emirates	1	-	3 817 000	577 725
United Kingdom	33	7	31 777 695	6 707 146
United States	7	1	35 656 732	1 390 779
Carmel School (claim No. 4002392)	1	-	1 225 149	517 692
Palestine Red Crescent Society, Kuwait Branch (claim No. 4002390)	1	-	1 225 260	54 118
United Arab Shipping Group (claim No. 4002423)	1	-	10 964 463	4 136 903
Total	**91**	**40**	**1 383 388 570**	**43 143 817**

D. Report and recommendations made by the Panel of Commissioners concerning the sixteenth instalment of E3 claims (S/AC.26/2001/28)

Country	*Number of claims recommended for payment*	*Number of claims not recommended for payment*	*Amount of compensation claimed (US$)*	*Amount of compensation recommended (US$)*
China	3	-	30 581 009	3 795 337
Croatia	2	-	82 889 721	341 097
France	-	4	24 012 884	nil
India	1	-	18 810 436	1 974
Japan	-	1	411 404	nil
Jordan	-	1	31 420 807	nil
Netherlands	1	-	28 410 266	96 714
Spain	-	1	190 581	nil
The former Yugoslav Republic of Macedonia	1	-	1 079 859	25 907
Turkey	1	-	38 261 010	9 585 969
United Kingdom	1	-	623 173	3 707
Total	**10**	**7**	**256 691 150**	**13 850 705**

Annex II

Documents before the Compensation Commission at its forty-second session

1. Report and recommendations made by the D2 Panel of Commissioners concerning part two of the eighth instalment of individual claims for damages above $100,000 (category D claims) (S/AC.26/2001/25).

2. Decision concerning part two of the eighth instalment of individual claims for damages above $100,000 (category D claims) (S/AC.26/Dec.141 (2001)).

3. Report and recommendations made by the D1 Panel of Commissioners concerning part two of the ninth instalment of individual claims for damages above $100,000 (category D claims) (S/AC.26/2001/26).

4. Decision concerning part two of the ninth instalment of individual claims for damages above $100,000 (category D claims) (S/AC.26/Dec.142 (2001)).

5. Report and recommendations made by the Panel of Commissioners concerning the ninth instalment of E2 claims (S/AC.26/2001/27).

6. Decision concerning the ninth instalment of E2 claims (S/AC.26/Dec.143 (2001)).

7. Report and recommendations made by the Panel of Commissioners concerning the sixteenth instalment of E3 claims (S/AC.26/2001/28).

8. Decision concerning the sixteenth instalment of E3 claims (S/AC.26/Dec.144 (2001)).

9. Sixteenth report of the Executive Secretary pursuant to article 41 of the Provisional Rules for Claims Procedure (S/AC.26/2001/29).

10. Decision concerning corrections pursuant to article 41 of the Provisional Rules for Claims Procedure (S/AC.26/Dec.145 (2001)).